

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TOWAKI KOMATSU,  
:  
:  
ORDER REGARDING MISTAKEN  
: PRODUCTION OF PROTECTED  
:  
Plaintiff, : MATERIAL  
:  
18 Civ. 3698 (LGS) (GWG)  
:  
-v.- :  
:  
THE CITY OF NEW YORK, et al., :  
:  
Defendants. :  
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**GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE**

Any party's production or disclosure in this proceeding of information or material that is not responsive, contains personally identifiable information, and/or is protected by any privilege or protection recognized by law (collectively, "Protected Material"), whether inadvertent or otherwise, shall not constitute or be deemed a waiver of any claim of privilege, protection, personally identifiable information, and/or non-responsiveness applicable to that material or its subject matter in this Action or any other federal or state proceeding, and shall be governed by the procedures set forth herein.

If a party produces Protected Material in discovery without intending a waiver of any claim to privilege, protection, personally identifiable information, and/or non-responsiveness, the producing party shall notify any receiving party in writing of this fact and may request that the Protected Material be returned or destroyed.

If a party receives such a request, it shall not further inspect, copy or make any other use of the Protected Material until an order of the Court is obtained or there is a written agreement between the parties regarding the use, return, or destruction of the Protected Material.

If agreement cannot be reached, either party may make an application to the Court for resolution. No Protected Material may be disclosed publicly as part of any such application.

The defendants shall email a copy of this Order to plaintiff.

Dated: January 29, 2021  
New York, New York

SO ORDERED.

  
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GABRIEL W. GORENSTEIN  
United States Magistrate Judge